

Superseded 5/10/2016

61-2c-507 Division subrogated -- Authority to revoke license.

- (1) If the division pays a person from the fund in accordance with this part:
 - (a) the division is subrogated to the rights of that person for the amounts paid out of the fund; and
 - (b) any amount and interest recovered by the division shall be deposited in the fund.
- (2)
 - (a) Subject to Subsection (2)(b), the license of a licensee for whom payment from the fund is made under this part is automatically revoked as of the earlier of the day on which:
 - (i) the division is ordered by a court to pay from the fund; or
 - (ii) the division pays from the fund.
 - (b)
 - (i) A person whose license is revoked under Subsection (2)(a) may appeal the revocation in a de novo hearing conducted by the commission:
 - (A) after the revocation; and
 - (B) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
 - (ii) The commission may delegate:
 - (A) to the division or an administrative law judge the authority to conduct a hearing described in Subsection (2)(b)(i); or
 - (B) to the division the authority to make a decision on whether relief from a revocation should be granted.
- (3) Unless the revocation is not upheld after a hearing described in Subsection (2)(b), a licensee whose license is revoked pursuant to Subsection (2) may not apply for a new license until the licensee pays into the fund:
 - (a) the amount paid out of the fund on behalf of the licensee; and
 - (b) interest at a rate determined by the division with the concurrence of the commission.